

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GEORGE J. NAUSS,

Plaintiff,

-against-

JO ANNE B. BARNHART, Commissioner,  
Social Security Administration,

MEMORANDUM AND ORDER  
03-CV-2593 (JS)(MLO)

Defendant.

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APPEARANCES:

For Plaintiff: George J. Nauss, Pro Se  
33 Davidson St.  
Wyandanch, New York 11798

For Defendant: Orelia Merchant, Esq.  
Assistant United States Attorney, E.D.N.Y.  
One Pierrepont Plaza  
Brooklyn, New York 11201

SEYBERT, District Judge:

On March 7, 2005, this Court issued an Order dismissing without prejudice Pro se Plaintiff George Nauss' social security appeal because Plaintiff failed to timely file a motion for judgment on the pleadings. The Second Circuit Court of Appeals reversed the March Order, and remanded the matter for further proceedings.

In accordance with the Second Circuit's mandate, the Court grants Plaintiff a final opportunity to submit a motion for judgment on the pleadings. In providing this opportunity, it is important to emphasize the importance of the submission. A motion for judgment on the pleadings affords Plaintiff an opportunity to explain to the Court those parts of the Administrative Law Judge's

("ALJ") determination to which he objects. It provides the Court with enhanced insight into Plaintiff's complaints and allows a meaningful opportunity to precisely address Plaintiff's objections. Without Plaintiff's guidance concerning the aspects of the ALJ's decision he disagrees with, the Court's ability to undertake an appellate review is severely handicapped.

The Court grants Plaintiff until July 14, 2006 to file his brief with this Court. Any submission received after July 14, 2006 will be rejected.

SO ORDERED

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York  
May 31, 2006